

Subject: RE: Ruane -- Any word from your client?

From: "Hanson, Cindy D." <Cindy.Hanson@troutman.com>

Date: 11/13/2018, 1:30 PM

To: "brian.bromberg@gmail.com" <brian.bromberg@gmail.com>

CC: Susan Soojin Shin <susan@neweconomy.org>, Eve Elizabeth Weissman <eve@neweconomy.org>

Brian,

EWS does not consent to Ms. Ruane filing another amended complaint. First, we do not think there are any provable facts that can be added that would cure the deficiencies in the complaint. Any additional facts would be speculative. Second, Plaintiff has already had her chance to fix the deficiencies in the complaint through the Court's pre-motion conference procedure, but declined the opportunity. EWS filed a letter motion requesting a pre-motion conference on its motion to dismiss on August 13. Then, the Court held a lengthy hearing to discuss the complaint and the basis for EWS' motion on September 18. Any amendment should have occurred then. Proposing it months after we pointed out the deficiencies in the complaint defeats the purpose of the pre-motion conference and renders the time spent on the pre-motion conference and briefing the motion wasted. *DigitAlb, Sha.a v. Setplex, LLC*, 284 F. Supp. 3d 547, 557 (S.D.N.Y. 2018) ("A fundamental purpose of a pre-motion conference is to discuss potential defects in pleadings and to obviate successive pleadings.").

EWS continues to believe it has no liability in this matter and does not wish to see it drawn out even longer.

Cindy

Cindy D. Hanson

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From: Brian L. Bromberg <brian.bromberg@gmail.com>

Sent: Friday, November 9, 2018 9:15 PM

To: Hanson, Cindy D. <Cindy.Hanson@troutman.com>

Cc: Susan Soojin Shin <susan@neweconomy.org>; Eve Elizabeth Weissman <eve@neweconomy.org>

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Cindy,

Any word from your client?

Brian

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